

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010060822

ORDER GRANTING MOTION TO
RESET TIMELINES

On June 18, 2010, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Hearing (Complaint) that named the Los Angeles Unified School District (District).

On October 25, 2010, OAH issued an order which granted Student leave to file an Amended Complaint in the matter. On the same day, OAH issued in the case a Scheduling Order which set a mediation for December 1, 2010, a prehearing conference for December 13, 2010, and a due process hearing for December 16, 2010.

On November 18, 2010, the District filed with OAH a request to reset the hearing timelines in the matter. In this request, the District represented that it did not receive a copy of the Amended Complaint from Parent until November 17, 2010. The District seeks an order resetting the hearing timelines in the case in order to comply with certain procedural requirements in special education law, including the holding of a resolution meeting. Parent has not filed a response to this request.

The hearing and decision timelines in special education matters are calculated based upon the date that a party receives notice of the due process complaint. (34 C.F.R. §§ 300.510(a), 300.515(a)(2006); Ed. Code, § 56502, subd. (f).) At the same time, both federal and state law require a school district to hold a resolution session within 15 days of receiving notice of a due process complaint from a parent. (34 C.F.R. § 300.510(a)(2006); Ed. Code, § 56501.5, subd. (a)(1).) Here, the District received the Amended Complaint on November 17, 2010, and with the currently scheduled hearing dates in the case, cannot comply with the foregoing requirement regarding the holding of a resolution session, and has a reduced amount of time to prepare for and defend the matter.

The request to reset timelines is well-taken, and is granted. The currently scheduled mediation and hearing dates in this matter are hereby vacated. OAH will issue a scheduling

order with the mediation and hearing dates. The hearing timelines shall commence with the issuance of the new scheduling order.

IT IS SO ORDERED.

Dated: November 24, 2010

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings